

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GENERAL MOTORS LLC,
GENERAL MOTORS COMPANY,

Plaintiffs,

Case No. 19-cv-13429

v.

District Judge Paul D. Borman

FCA US LLC, FIAT CHRYSLER
AUTOMOBILES N.V., ALPHONS
IACOBELLI, JEROME DURDEN,
MICHAEL BROWN,

Defendants. /

**ORDER DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION
OVER TWO STATE LAW CLAIMS, PURSUANT TO 28 U.S.C. §1367**

Plaintiff has filed a Complaint alleging three specific Federal RICO Act claims against all Defendants, and thereafter, two Michigan state law claims; Count Four -- Unfair Competition against FCA and FCA N.V., and Count Five -- Civil Conspiracy claims against all Defendants (ECF #1).

Plaintiffs noted in their opposition to FCA US LLC's Motion to Dismiss the Complaint:

Michigan unfair competition law is a "broad and flexible doctrine" addressing "the incalculable variety of illegal practices denominated as unfair competition", *Primary Ins. Agency Grp., LLC v. Nofar*, No. 320039, 2015 WL 1227767 at *5 (Mich. Ct. App., Mar. 17, 2015).

(ECF #64, Page ID 2316).

The Court concludes that proceeding to trial on the three specific Federal RICO claims against all Defendants (92 pages and 189 paragraphs of the 94-page, 198-paragraph Complaint), and also trying the two State law claims (two pages and eight paragraphs of the Complaint), Count Four against two Defendants, and Count Five against all Defendants, would create insurmountable, confusing, and prejudicial spillover-evidence issues, and also create jury confusion that instructions could not cure.

Accordingly, the Court deems these to be compelling reasons to decline to exercise supplemental jurisdiction on the State claims, Counts Four and Five, pursuant to 28 U.S.C. § 1367(c)(4).

SO ORDERED.

DATED: June 15, 2020

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE